

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TENNESSEE
WESTERN DIVISION**

DANIEL LOVELACE and HELEN)
LOVELACE, individually, and as)
parents of BRETT LOVELACE,)
deceased,)
)
Plaintiffs,)
v.) No. 2:13-cv-02289-JPM-dkv
)
PEDIATRIC ANESTHESIOLOGISTS,)
P.A., BABU RAO PAIDIPALLI, and)
MARK P. CLEMONS,)
)
Defendants,)

**ORDER CONDITIONALLY GRANTING MOTION TO STAY FROM MAGISTRATE'S
ORDER PENDING APPEAL**

Before the Court is the Motion for Stay from the
Magistrate's Order Pending Appeal (ECF No. 51), filed November
21, 2013, by non-party Witness Methodist Healthcare - Memphis
Hospitals ("Methodist"). Methodist "files this Motion for Stay
from Magistrate's Order Pending Appeal in order to protect its
confidential information until this Court rules on the appeal."
(ECF No. 51-1 at PageID 462.)

On May 8, 2013, Plaintiffs filed a Complaint. (ECF No. 1.)
On June 3, 2013, Defendant Mark P. Clemons filed his Answer (ECF
No. 11), and on June 12, 2013, Defendants Pediatric

Anesthesiologists, PA ("Pediatric Anesthesiologists") and Babu Rao Paidipalli ("Paidipalli") filed their Answer (ECF No. 13).

On August 21, 2013, Methodist filed a Motion to Quash Defendants Pediatric Anesthesiologists and Paidipalli's Subpoena and filed a Motion for Protective Order. (ECF No. 33.) On August 22, 2013, an Order was entered referring the Motion to Quash to the Magistrate Judge for determination. (ECF No. 35.) On August 30, 2013, Defendants Pediatric Anesthesiologists and Paidipalli filed their Responses to the Motion to Quash. (ECF Nos. 38-39.)

On October 21, 2013, the Magistrate Judge entered an Order Granting in Part and Denying in Part Methodist's Motion To Quash Defendants' Supboena and Motion for Protective Order, and Plaintiffs' Joinder in Such Motion. (ECF No. 43.) The Order required Methodist to produce, *inter alia*, the Settlement Agreement. (*Id.* at 11.) On November 4, 2013, the Magistrate Judge entered a Protective Order. (ECF No. 45.) On the same day, Methodist filed its Objections to the Magistrate's Order regarding the Motion to Quash Defendant's Subpoena and Motion for Protective Order. (ECF No. 46.) On November 14, 2013, Defendants Pediatric Anesthesiologists and Paidipalli filed their Response to Methodist's Objections. (ECF No. 49.) On November 20, 2013, Methodist filed a Motion for Leave to File a

Reply Brief (ECF No. 50), which the Court granted on November 25, 2013 (ECF No. 52).

On November 21, 2013, Methodist filed the instant Motion to Stay from the Magistrate's Order Pending Appeal. (ECF No. 51.) On December 4, 2013, Defendants Pediatric Anesthesiologists and Paidipalli filed their Response to the instant Motion to Stay. (ECF No. 55.)

On December 4, 2013, an Order was entered to reset a telephonic hearing on Methodist's Appeal of the Magistrate Judge's Decision, now set for Tuesday, December 17, 2013. (ECF No. 56.)

Accordingly, the Court CONDITIONALLY GRANTS Methodist's Motion to Stay from Magistrate's Order Pending Appeal.

IT IS SO ORDERED, this 5th day of December, 2013.

/s/ Jon P. McCalla
JON P. McCALLA
U.S. DISTRICT COURT JUDGE